

Federal Housing Finance Board

§910.2

Agency has the meaning set forth in 5 U.S.C. 552(f)(1).

Duplication means the process of making a copy of a record in order to respond to a FOIA request, including paper copies, microfilm, audio-video materials, and computer diskettes or other electronic copies.

Financial regulatory agency means the FRB, OCC, FDIC, OTS, NCUA, Farm Credit Administration, or a state officer, agency, supervisor, or other entity that has regulatory authority over, or is empowered to institute enforcement action against, a financial institution, including an insurance company.

FOIA means the Freedom of Information Act, as amended (5 U.S.C. 552).

FOIA Officer means the Finance Board employee who is authorized to make determinations as provided in this part. The mailing address for the FOIA Officer is Federal Housing Finance Board, 1777 F Street, NW, Washington, DC 20006.

Record means information or documentary material the Finance Board maintains in any form or format, including an electronic form or format, which the Finance Board:

- (1) Made or received under federal law or in connection with the transaction of public business;
- (2) Preserved or determined is appropriate for preservation as evidence of Finance Board operations or activities or because of the value the information it contains; and
- (3) Controls at the time it receives a request.

Requester means any person, including an individual, corporation, firm, organization, or other entity, who makes a request to the Finance Board under FOIA for records.

Review means the process of examining a record to determine whether all or part of the record may be withheld, and includes redacting or otherwise processing the record for disclosure to a requester. It does not include time spent:

- (1) Resolving legal or policy issues regarding the application of exemptions to a record; or
- (2) At the administrative appeal level, unless the Finance Board determines that the exemption under which it withheld records does not apply and

the records are reviewed again to determine whether a different exemption may apply.

Search means the time spent locating records responsive to a request, manually or by electronic means, including page-by-page or line-by-line identification of responsive material within a record.

Unusual circumstances means the need to:

- (1) Search for and collect records from establishments that are separate from the office processing the request;
- (2) Search, review, and duplicate a voluminous amount of separate and distinct records in order to process a single request; or
- (3) Consult with another agency or among two or more components of the Finance Board that have a substantial interest in the determination of a request.

Working days do not include Saturdays, Sundays, and legal public holidays.

[63 FR 37485, July 13, 1998, as amended at 65 FR 8257, 8258, Feb. 18, 2000; 65 FR 20346, Apr. 17, 2000; 67 FR 12844, Mar. 20, 2002]

§910.2 Records available to the public.

(a) *General.* (1) It is the policy of the Finance Board to respond promptly to all FOIA requests.

(2) The Finance Board may disclose records that were previously published or disclosed or are customarily furnished to the public in the course of the performance of official duties without complying with this part. These records include, but are not limited to, the annual report the Finance Board submits to Congress pursuant to section 2B(d) of the Act (12 U.S.C. 1422b(d)), press releases, Finance Board forms, and materials published in the FEDERAL REGISTER.

(3) Except as provided in the Privacy Act (5 U.S.C. 552a), the Finance Board's Privacy Act regulation (12 CFR part 913), or paragraph (a)(2) of this section, the Finance Board shall not disclose records except in accordance with the requirements of this part.

(b) *Reading room.* (1) Subject to §§910.5 through 910.7, the following records shall be available for public inspection and copying in the Finance

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Board reading room from 9:00 a.m. to 4:00 p.m. each working day:

(i) Final opinions or orders of the Finance Board in the adjudication of cases.

(ii) A record of the final votes of each member of the Board of Directors in every Finance Board proceeding.

(iii) Statements of policy and interpretations adopted by the Finance Board that are not published in the FEDERAL REGISTER.

(iv) Administrative staff manuals and instructions to staff that affect a member of the public.

(v) Records previously disclosed to any requester pursuant to this part which, because of the nature of their subject matter, the Finance Board has determined will likely be the subject of subsequent requests for substantially the same records, and a general index thereof.

(vi) Current indices that provide identifying information about all matters issued, adopted, or promulgated by the Finance Board.

(vii) The report the Finance Board submits to the Attorney General pursuant to 5 U.S.C. 552(e).

(2) The Finance Board shall make each reading room record created on or after November 1, 1996 available by computer telecommunications or other electronic means, such as on computer diskettes or on the Finance Board's Internet Web site, found at <http://www.fhfb.gov>.

(3) The Finance Board shall assess fees for searching, reviewing, or duplicating reading room records in accordance with §910.9.

[63 FR 37485, July 13, 1998, as amended at 65 FR 8257, 8258, Feb. 18, 2000]

§910.3 Requests for records.

(a) *Request requirements.* Requests for access to, or copies of, Finance Board records shall be in writing and addressed to the FOIA Officer. Each request shall include the following:

(1) A description of the requested record that provides sufficient detail to enable the Finance Board to locate the record with a reasonable amount of effort;

(2) The requester's full name, mailing address, and a telephone number where

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the requester can be reached during normal business hours;

(3) A statement that the request is made pursuant to FOIA; and

(4) At the discretion of the requester, a dollar limit on the fees the Finance Board may incur to respond to the request for records. The Finance Board shall not exceed such limit.

(b) *Incomplete requests.* If a request does not meet all of the requirements of paragraph (a) of this section, the FOIA Officer may advise the requester that additional information is needed. If the requester submits a corrected request, the FOIA Officer shall treat the corrected request as a new request.

[63 FR 37485, July 13, 1998, as amended at 65 FR 20346, Apr. 17, 2000]

§910.4 Finance Board response to requests for records.

(a) *Response deadline.* Subject to §910.9(f), within 20 working days of receipt of a request meeting the requirements of §910.3(a) and any extensions of time under paragraph (c) of this section, the FOIA Officer shall:

(1) Determine whether to grant or deny the request in whole or in part;

(2) Notify the requester in writing of the determination and the reasons therefor; and

(3) Make the records, if any, available to the requester.

(b) *Denials.* If the FOIA Officer denies the request in whole or in part, the notice required under paragraph (a)(2) of this section shall state that the FOIA Officer is the person responsible for the denial, the denial is not a final agency action, and the requester may appeal the denial under §910.8.

(c) *Extensions of time.* In unusual circumstances, the FOIA Officer may extend the time limit in paragraph (a) of this section for a period not to exceed 10 working days by notifying the requester in writing of:

(1) The reasons for the extension;

(2) The date on which a determination is expected; and

(3) The opportunity for the requester to either limit the scope of the request so that the FOIA Officer may process it in accordance with paragraph (a) of this section, or arrange an alternative time frame for processing the request or a modified request.